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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,886	12/28/2000	David Wallman	SUNIP287/P4990	9423

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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT PAPER NUMBER

2171

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/752,886

Applicant(s)

WALLMAN, DAVID

Examiner

Marc R Filipczyk

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period of Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is in response to application filed on December 28th, 2000 in which claims 1-18 are presented for examination.

Claim Rejections - 35 USC § 112

1st Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, the claimed subject matter, "method of executing a method" and "next source code", were not described in the specification or figures in such a way to enable one skilled in the art to which it pertains to make or use the invention.

Regarding claims 2-15 depend from claim 1 and therefore inherit the deficiencies of that claim.

Regarding claims 16-18 contain same subject matter as claim 1 and therefore are rejected on the same ground as claim 1.

Appropriate explanation is required.

Claim Rejections - 35 USC § 112

2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, claim consists of multiple loops of methods that are not identified appropriately. "Obtaining next source code in the method" is indefinite, fails to identify method and information regarding how and where from source code is obtained. Also, "the data structure" is indefinite. Further, "...source code that creates local objects," is indefinite. Does all source code create local objects? What execution takes place when the address of the obtained next source code is not in the data structure? Finally, Examiner suggests if working with multiple data structures to label and keep track of all components that pertain to it.

Regarding claims 2-15 depend from claim 1 and therefore inherit the deficiencies of that claim.

Regarding claims 16-18 contain same subject matter as claim 1 and therefore are rejected on the same ground as claim 1.

Appropriate explanation is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Pradhan et al (U.S. Patent No. 6,446,257).

Regarding claims 1 and 16-18, Pradhan discloses a method and system of executing a method to enable memory associated with objects not referenced external to the executed method to be reclaimed upon completion of execution of the executed method, comprising: (garbage collecting, fig.1, 102, 106, 108)

obtaining a data structure including one or more addresses of source code that creates local objects; (see col. 8, lines 2-4 and fig. 2, 202, 220)

obtaining next source code in the method; (see col. 8, lines 2-4 and fig. 2, 202, 220)

determining whether an address of the obtained next source code is in the data structure; and (fig. 2, 214 and 220)

when the address of the obtained next source code is in the data structure including one or more addresses of source code that creates local objects, (fig. 2, 206) creating a local object on a

Art Unit: 2171

local heap of memory (col. 9, lines 26-30) using the source code associated with the address such that local objects are stored in memory separately from non-local objects. (fig. 2, 106 and 216)

Conclusion

Due to ambiguity of the specification and the claims, a best prior art may not have been generated. The applicant is requested to restructure the specification and the claims to comply with 37 CFR 1.75 and 35 USC 112 2nd paragraph in order to allow the Examiner to determine exactly what the Applicant is attempting to claim and invent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156.

The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MF
October 30, 2002


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
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